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University of Michigan Law School

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ATTORNEY FOR DR. SPOCK TO SPEAK AT LAWYERS CLUB

Victor Rabinowitz, defense attorney for Dr. Spock in the recent conspiracy trial in Boston, will speak in the Lawyers Club Lounge next Wednesday, November 13, at 6:45 p.m. The topic of his speech will be "The Trial of a Political Case." There will be a question and answer period immediately following Mr. Rabinowitz speech.

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COMMITTEE OF VISITORS ON CAMPUS TO OBSERVE AND ADVISE

Thirty-three of the Michigan Law School's most prominent alumni began arriving in Ann Arbor yesterday to participate in the annual meeting of the Committee of Visitors. The Committee constitutes an important channel of communication between the school and its leading alumni, particularly providing the administration with a practitioner's viewpoint on the effective operation of a program of legal education. During their two-day stay, the Committee members will visit classes in session, discuss school problems with faculty, administration, and students, and attend the Michigan-Illinois football game.

A majority of the Committee members are partners in top law firms across the country. Also included in this year's visiting group are a judge of the Michigan Court of Appeals, and executives from Ford, Chrysler, Shell Oil, and Kidder Peabody. While the Committee at the Michigan Law School is composed entirely of the school's alumni working in legal-oriented occupations, it is not uncommon for schools to include non-alumni and non-legal persons on their visiting committees.

The Committee was founded in the early sixties. Members are chosen for three-year terms; after serving two terms, one becomes an "alumni" member, entitled to attend all future Committee meetings.

In response to a query on the Committee's usefulness, Law School Dean Francis Allen hailed it as "a very successful institution" and cited the "surprising degree of sophistication of the long-term members." The Dean reviewed the Committee's various functions. It constitutes an important link between the Law School and its most distinguished alumni. Through this contact with the practicing element of the legal profession, the administration is afforded insights into the ultimate utility of the educational program it provides. The Dean's relationship with the Committee permits him to "estimate the temper of the bar" and to learn "what members of the bar think law education ought to be."

The Committee is valuable in helping the administration to marshall the support of alumni for particular projects. Fund raising is perhaps most important among these, but the members' assistance goes beyond this. Recently, the Committee was called upon for advice when the school was considering the retroactive award of J.D. degrees to replace the L.L.B.

The flow of students to and from the school also is facilitated by the Committee. Members frequently take note of particularly qualified potential law students and direct them to the Michigan Law School. They also show special interest in actively interviewing third-year students at their alma mater. A number of this week's visitors have arranged their interview schedules here to coincide with the Committee meeting date.

Dean Allen said that he considered the Committee a "source of strength for school and students." He noted that his greatest problem was finding sufficient specific tasks for the members to match their enthusiasm.

RES GESTAE EDITORIAL "To The Faculty"

A large proportion of this issue is devoted to the report prepared by L.S.C.R.R.C. on suggested changes in the Law School curriculum. The report deals primarily with the types of law courses offered and their content. It seems appropriate to add some comments concerning the general method of instruction being employed in nearly all courses.

The student here, and at most law schools, is subjected to the "case" method of instruction. In the course of an hour, two to four legal cases may be discussed. A selected student will be "called on" and asked a series of pointed questions designed to illuminate the principle of law so clearly expressed in that particular case. After the student has provided the "right" answers (frequently with some not too subtle prodding), the professor will add comments from his own extensive knowledge of related finer points of law. Finally, perhaps five or ten minutes of open questions (generally of the "what if?" sort) will be accepted from the students. This procedure is repeated, with very little variation, case after case, class after class, day after day.

It seems to me that legal instruction may have one or both of two general purposes. The first is to train the aspiring attorney in the thought processes essential to the practice of law -- the line of reasoning which a lawyer must employ in analyzing a particular fact situation and its legal ramifications, and preparing the optimal argument in support of his client's position. The second is to educate him in the specific, concrete legal principles which statutes and legal decisions have developed over time and upon which the lawyer must base his analysis, reasoning, and argument.

How well does the case method of instruction fulfill either of these purposes? The case discussions do zero in on specific principles and concepts in an orderly fashion -- as can be seen by examining a can/outline for that course. Unfortunately, the confusion that is created by the innuendos and implications of the Socratic process, and even by the professor's direct statements, make reference to an outline a virtual necessity. Moreover, if student memorization of objective principles is the goal, the method of achievement is inefficient. Such a goal would be more effectively satisfied by greater reliance on hornbooks. Certainly, framing the principles in a particular factual setting emphasizes the nuances of their meaning and interpretation -- that they are not entirely objective. But is it not possible that the students have their hands and minds full trying to comprehend and remember the basic principles, without concerning themselves with the nuances?

The student's powers of reasoning are tested and refined only to the extent that he must rapidly sort out his thinking sufficiently to respond to the professor's generally well-framed, probing questions. However, it cannot reasonably be suggested that these blurted answers reflect a thought-out understanding of why a particular principle was the basis for a particular decision. In any event, the student is unlikely to have learned much about how to weave the factual situation and the relevant legal principles together with his own reasoning and argument. One of the most effective ways of instructing in the process of legal reasoning is probably some form of moot court experience. Yet, all students benefit from such experience in dealing with only two cases (Case Club), thirty-six of them are able to argue another case during Campbell Competition, and the six National Moot Court Team members get a little more experience in their third year.

Almost no sophisticated reasoning is called for in taking the term-end course exams. The student is presented with an admittedly unrealistic fact situation which is bulging unnaturally with legal concepts. The best grade is given to the student who is able to identify at greatest length the greatest number of concepts. The student at the greatest advantage is the one who has most thoroughly memorized the relevant principles and concepts, and can regurgitate them automatically upon perceiving the appropriate stimuli.

It is unreasonable to conclude that, to a large extent, the net product of this method of instruction is an uncreative intellectual automaton programmed to take his place as another cog in the machinery that distributes legal justice? And the method is not even very effective in training this sort of students: how often do second-year students have difficulty remembering basic concepts they supposedly learned during their first year!

Once a student has a very bare framework of the applicable principles in a field of law, and knows where to find the detailed specifics, he can begin analyzing cases and putting together some sort of argument. Is not the greatest art in using the proper reasoning in constructing the argument? Is not that the most important and valuable skill which three years of legal education can provide? The precise principles are readily exhumed from legal reporters and encyclopedias. What level of instructional proficiency is required of the faculty when, in the end, the student studies for his finals by memorizing from an outline?

The education in legal reasoning might easily be expanded by concentrating less on trying to fill the student's head with every nit-picking legal detail, and by spending more time discussing the logical substance of a decision -- by studying the reasoning for its own sake, not as a pedagogical device for elucidating legal principles. This would involve dealing with fewer cases, but in more depth. In addition, a greater share of the curriculum could be devoted to moot court-type practice, with every second year (perhaps even third year) student afforded the opportunity to participate in some way.

The demeaning manner in which most professors select students for recital bears comment. Is it presumed that law students are yet so immature that, to assure their regular preparation for class, it is necessary to call on them randomly and unexpectedly? If that is the case, the number of students who "pass" indicates that the method is not very effective. Would it not be possible to inform the students, at the outset of the course, that they were expected to volunteer regularly and, in particular, to lead off individual cases once or twice during the term -- with the

understanding that directed recitals would be sought from the more silent as the term drew to a close? Students might take advantage of the arrangement at first, but there seems good reason to believe that they would quickly respond to the trust shown in them with a more responsible attitude toward class preparation and participation. After all, they have sought an advanced degree in law of their own volition; it is they who will suffer from poor preparation. It is possible, too, that there is a connection between the nature of the class discussion and the desire to prepare for it.

These comments should not be generalized. Several professors are quite innovative and less mired in the traditional methods of instruction. Indeed, it may be that these methods do produce the best attorneys. But, isn't it conceivable that they do not -- that different methods, or combinations of methods, would be more effective? Precedent prevents the law itself from changing too rapidly, and with good reason. But is it unreasonable to expect the faculty to periodically examine their methods of instruction in the law, and to upgrade them as rapidly as good judgment allows?

G. M.

CURRICULAR CHANGE: What's Happening

When the Law Students Civil Rights Research Council held an organizational meeting in September, one of the suggestions offered for future activities was that LSCRRC make noises about the irrelevancies of the curriculum. From this beginning there emerged a few weeks later a draft report on proposed curricular changes. The draft was circulated among LSCRRC members (and others who happened across it), discussed at the October LSCRRC meeting, and refined into a final document. LSCRRC's "Proposals for Curricular Change" has now been submitted to the faculty's Curriculum Committee and is printed at the end of this issue. The Curriculum Committee invites individuals or groups to submit to it statements in reaction to the report or about curricular problems generally; such statements will reach the Committee by being left in Professor Sandalow's mailbox.

LSCRRC wishes to express its immense appreciation to Res Gestae for making its report available to the entire Law School community.

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CURRICULAR CHANGE: Some Random Thoughts on Students and the System

The prescribed route leading to changes in the curriculum runs from the faculty's Curriculum Committee (Prof. Sandalow, chairman; Profs. Browder, Carrington, Cooperrider, and Sax, members) where proposals originate; through the faculty as a body, where proposals are voted on; to the Dean, where approved proposals are implemented. Some student sentiment has gotten itself plugged into the system through the vehicle of a written proposal sheltered by the organizational banner of the Law Students Civil Rights Research Council. Additional student sentiment can be expected to filter into the system via the poll on curriculum and scheduling conducted by the Law Club's Board of Directors. All of which is relatively passive: We tell the system what we'd like and hope that the system will be kind enough to be more or less responsive.

There are, however, a couple of other possible routes -- perhaps not leading to the elimination of given requirements or the addition of given courses, but at least leading to some changes in the context in which we study law. One such route involves bypassing the system entirely, another involves tackling individual professors rather than the system as a whole.

To be somewhat more concrete: The LSCRRC report suggests that the gap between theory and reality could fruitfully be narrowed through the use of practicing attorneys in the classroom. (Faculty reactions to this proposal range, by the way, from outright horror to willing acceptance.) The bypassing-the-system-entirely route to the end of getting a chance to hear and talk to a real live practitioner involves a group of students constituting itself the Ad Hoc Committee on Whatever It Is and issuing an invitation to said real live practitioner to come address them. (Such a group may wish to exploit the system to the extent of dropping in on various professors and asking who they know who practices whatever it is in Detroit.) The tackling-an-individual-professor route involves a self-appointed delegation from the class confronting the professor with the notion that they might be better equipped to go out into the world and represent criminal defendants, taxpayers, divorce litigants or what have you if they go a chance in class to listen to someone who does it for a living. Which route is taken (or whether the second is tried, followed by the first if it's unsuccessful) is obviously a tactical decision to emerge from the group's collective wisdom in reaction to its concrete situation. The point (the moral, if you prefer) is simply that Things Can Happen If People Get Off Their Bums, Talk to Each Other, and Act.

All of the above equally applies to another of the LSCRRC report's suggestions, namely that a mechanism should exist for providing, on relatively short notice, an outlet for student interest in a particular subject matter. (The report says it would be nice if the system provided a means of communication to survey student interest, which doesn't mean it might not be quicker or otherwise preferable if students found ways to communicate on their own.) Again, the two possible routes are either forming an Ad Hoc Committee to Investigate, Study, and Discuss Whatever It Is or trying to induce a likely faculty member to constitute himself and the group as a seminar. Then there's also a one-shot approach -- e.g., a group of you invite yourselves to the home of your Criminal Law professor for an evening's discussion of the legalization of pot. (It might be tactful if the group offered to provide the beer in exchange for the professor's providing the living room.)

There are various other possibilities for changing the way a course gets taught: A delegation from the class suggests a paper or a take-home exam instead of the conventional exam or points out that there are certain policy issues inhering in the subject of the course that should be discussed more thoroughly than it looks like will be the case. At the very least, you'll probably embarrass the professor into taking a vote of the class.

A word about professors: They tend to have a public self and a private self (or, if you prefer, an on-the-platform self and a behind-the-desk-in-the-office self). The latter is invariably less intimidating and more responsive than the former. The point being that you shouldn't assume that Prof. Zilch is an uncaring pedant until you've done some probing behind the office door.

A word about the amorphousness of the student body: It can be an advantage. Existing groups can be channelled into new directions (witness LSCRRC and curricular change). New ones can be formed (witness the BLSA). All of which would be more difficult if the student body were 100 per cent organized into groups with well-established programs.

A word about communications: Bulletin boards exist. Instead of "Used casebooks for sale," why not "Whoever cares about the abortion laws please sign below"?

Louise Lander

LETTERS TO THE EDITOR

To the Editor:

It would be easy to describe the vast majority of those present at a Wallace rally as inchoate Fascists; it would be easy to call them greasy, uneducated bigots; it would be easy to say those things because they are true. But name-calling has its limitations as a solution to a problem. The average man, the lower middle class worker, the not-very educated American peasantry is very aware of the fact that he is average, lower-middle-class, and not very-well-educated. In a sense, he is the also-ran of the American Dream.

It is so easy to say that he should take his lower attainments with good grace and wish the winner good luck and well-being, but how many people can take the label of failure with good grace? That is why Wallace gets such a good response when he tells people "You are just as good as any one of those (1) Ivy-league intellectuals, (2) Washington bureaucrats or (3) hippy college kids." Wallace fills a vacuum with false confidence; he exploits fear and bitterness. He is riding the crest of a wave -- but he didn't start the wave. The poor white has always been educated -- to a point -- by his betters. In the South, the plantation owner who owned the slaves educated the poor white who didn't own slaves to believe in the slave system. In the North, the industrialist got his workers to believe in Horatio Alger. The American white gentry has always insulated itself from the masses of humanity by permitting enough whites to "make it" so that the rest could blame their "failure" on some other factor. This fear and bitterness was dormant until the black man began to demand his fair share with accrued interest.

Now the man on the Ford line sees that there are two sets of rules. He hasn't been told that the inclusion of the black man in the mainstream of American society will not harm him. Nobody bothered to tell him that the black man who marauds and mugs can be eliminated by eliminating his need to (1) avenge or (2) steal. The lower middle class white (and that is not an economic but a social classification!) has never been taught sophisticated concepts because nobody with an understanding of sophisticated concepts can teach them without patronizing or condescending. The intellectual is particularly guilty of this and that is why John Lindsay cannot communicate with his police department, his teachers, or his sanitation men. Intellectuals, liberals, and some radicals have abdicated the lower middle class to Wallace.

If you supported McCarthy and you worry about Wallace, think of the communication gap between you and your janitor; think of all the times you've sneered at Dearborn as a collection of little boxes filled with ignorant rednecks. If you are upset about Ted Spearman's ravings, think of the effect they have on a street corner in the tough Italian section of Cleveland where the fist is the most frequent debating technique. Think of the Chicago Tribune and the New York Daily News and compare it with the New York Times. If you want to save America from racial strife, consider the white side of the problem. Reeducate the little guy to see that he hasn't failed if he isn't a millionaire. Don't expect him to understand huge concepts unless you are willing to describe them with simplicity. Don't call an effort to controvert black alienation complete without examining white alienation that is the responsibility of the upper middle class white who has the intellectual capacity and opportunity to do so. The white liberal ought to remember that charity begins at home just as the white conservative ought to remember that authoritarianism in America is a lower middle class phenomenon.

Billy Greenbaum Law '70

We begin with the general premise that everything in town costs an arm and a leg. I spent ten dollars for two pairs of socks at Camelets last Christmas (I would never have done it except they were the only place that had argylls with clocks). Herewith, a number of places to shop with, unfortunately, few bargains.

For food, try the Big Ten Party Store on Packard. They have the greatest variety of liquor of any store in the state: Suntory, Campari, Sake, four or five Harvey's sherrys and just about every kind of booze legally available. They have S. S. Pierce canned goods, many varieties of imported chocolate; imported bisquits, cookies, shortbreads, fresh nuts, teas, caviar, pate de foie gras, Japanese staples, frozen croissants and snails. You'll find just about every snack or rarity you ever wanted to try. Many of the items are seldom available (e.g. shallots) and make a fine gift. Of particular interest in the gift department is the wine selection. Because of the liquor control laws in Michigan a limited number of wines seems to be available. The Party Store has the best of the lot, both foreign and domestic. I have seen much larger selections in Chicago, for example, but I must say that I have never gotten a bad bottle from the Party Store. If you are buying as a gift or if you are buying a fairly good imported wine ($2.50 to $4.00 average) this should be an important consideration. Recommended. The biggest attraction here, if all the above were not enough, is a first rate selection of fine cheeses. If you are a cheese lover, you will feel quite at home. If you are not sure, this is a good place to experiment with good cheeses and other goodies.

Other food stores are outclassed. The Deli has good delicatessen and nothing else. The Bagel Shop closed, I guess, and it is too bad. Ralph's is terribly expensive, but they do have a variety of things. The little grocery store across from the Brown Jug is terrible; even the soda water is bad.

For clothing, Van Boven's on State Street and Camelets seem to be about the best but oh are they expensive. At these places one does not buy, one invests. Van Boven's has nice sports clothes and accessories. Camelets cuts a nice suit if you can afford it and they also have bow ties. Redwood and Ross is part of a chain which is trying to upgrade their line. They have been poor in the past, running to typical college town junk, but they are picking up. Sam's gives a good deal on Levi's ... caveat emptor.

For gifts (wedding and otherwise) we recommend Artisans on South University. They have good crystal (Waterford), stainless, copper, pewter, wood, some silver. They have a large collection of unusual things both arty and functional: pictures, candles, bona fide French cooking paraphernalia. If you hate shopping for presents as much as I do, you'll find this place a breath of fresh air as compared to the usual junk collections one sees everywhere.

For those who care, I quit smoking a month ago. For those of you who still smoke, the tobacco store in the arcade (by Van Boven's) is a great place. Imported cigarettes, cigars, pipes, tobaccos. Try Balkan Sobranie, if you haven't. I'd give my right arm for a Camel right now.

If your taste runs to imported printed matter and pornography, the Blue Front just down State Street fills the bill. The Roth case (254 U.S. 476) will come alive the moment you find yourself in the back corners of the Blue Front. Quite a place.

P. J. M.

Weekender

Films

- Singer Charles Aznavour appears at the Campus in "Paris in the Month of August."
- Vth Forum presents a new film by Luis Bunuel, director of "Belle de Jour." It's called "Nazarin," and might be worthwhile. But the highlight of the program is the short, by Bunuel and Salvador Dali - "Le Chieu Andalu," a classic of surrealist cinema.
- At Cinema Guild, Orson Wells is "The Third Man" on Friday. Saturday and Sunday brings Jean-Luc Goddard's "Viore Sa Vie."
- The holdovers are: Tony Curtis as "The Boston Strangler" - Michigan; Alan Arkin in "The Heart is a Lonely Hunter" - State; and "West Side Story" - Fox Village.

Concert & Theatre

- Michigan-Illinois Glee Club Concert, Saturday, November 9 at Hill. The Michigan group is consistently tops in the country. Programs at 7:00 and 9:30. $1.50 - $2.50.
- Birgit Nilsson, soprano, Thursday, November 14 at 8:30 at Hill.
- Gilbert and Sullivan Society present "The Gondoliers" next Wednesday - Saturday at Mendelssohn. All seats $2.50.

TV

- Saturday: "To Kill a Mockingbird" on 4 at 9.
- Sunday: Giants vs. Cowboys at 4 on 2. Oilers vs. Jets at 1:30 on 4.

SPORTS

TOUCH FOOTBALL

Although the perennially strong Law Club team failed to win the grad league football championship this year, the title was ultimately won by a bunch of law students comprising a team known wishfully as the Visigoths. The Goths (it must take no small amount of courage to stand on the sidelines and holler "way to go, Goths" or "Go you Goths" and keep a reasonably straight face) defeated the dental school 8-0 under the lights that allegedly illuminate Wines Field to finish the season undefeated and unscored upon.

Jim Pyle was awarded the game ball for catching a touchdown pass to go with the safety that had earlier put the Golden Goths (not much better, really, is it?) ahead 2-0. Quarterback Mike Grebe, who played most of the season with two fractured ribs, earned MVP, while Fred Lambert was awarded two ears and a tail and is credited with the inspiration behind that exceptional defensive record. Charlie Cope organized, coached AND NAMED the Goths and obviously did a helluva job. The other Goths were Mike Staebler, Frank Willis, Kelley Rea, David Schraver, Tony Feiock and the kid who played right defensive end.

Quote of the Week: John Yovicsin, Harvard football coach, on the brilliant inquiring minds of Harvard athletes: "When we introduce a new play, we have to call off practice for five minutes while the players analyze it."

THE DOMINICK'S/RG FOOTBALL CONTEST

Last week's contest was won by Jim Korshoj, whose guess of the Detroit-L.A. score was a little better than Dan Brown's and Jeff Wolstadter's and earned him a two dollar gift certicate at Dominick's. All three picked 16 right, and missed four (one of which was a tie). John Makris and John Kouklis lost best, each missing twelve and tying one. Acknowledgement is here given to John Logie, whose entry was fairly bad but whose cryptic note was kinda cute.

The Rules: One entry per person, pick the total score in the first game, place your entry in the RG Football Contest box at Room 100 HH or the Law Club desk by noon on Saturday. Home teams are on the right, RG picks in capitals. Last week 13-6-1, season 71-38-2.

____Louisiana State	____Alabama
____Arizona	____Air Force
____Boston College	____Army
____Tennessee	____Auburn
____Ohio U.	____Bowling Green
____California	____USC
____N. Carolina State	____Duke
____Georgia	____Florida
____Grambling	____Arkansas AM&N
____Harvard	____Princeton
____Indiana	____Michigan State
____Northwestern	____Iowa
____Oklahoma	____Kansas
____Miami (Fla)	____Penn. State
____Ohio State	____Wisconsin
____U. Cal. L.A.	____Oregon State
____Texas A & M	____SMU
____San Francisco	____Chicago
____Baltimore	____Detroit
____Green Bay	____Minnesota

Name: _____

Phone: _____

Total points, LSU v. Alabama ____

*(underlined teams are R.G. Picks)

Editor -- George Moseley
Editorial Staff -- Phyllis Kaye
Richard Barron
Ed Gudeman
Stuart Israel
Managing Editor -- Earl Bennett
Sports Staff -- Dick Heyman
Entertainment Staff-Pat Murphy
Jeff Shopoff

PROPOSALS FOR CURRICULAR CHANGE

Submitted to the Curriculum Committee
by the Law Students Civil Rights Research Council
Louise Lander, Reporter

November 1968

I. Introduction

> . . . For example, in the traditional three years it takes to get a law degree, about three to six months is quite profitably spent in learning how to read a case and a statute. These are the tools of the trade and must be mastered before practicing it. But the remaining two-and-a-half years is mostly adornment; all of it can be learned on the job--most of it has to be re-learned there. Bazelon (David T., nephew of Chief Judge David L., and a graduate of Yale Law School), THE PAPER ECONOMY 314 (Vintage Books ed. 1963).

We are no so foolish as to suggest that five-sixths of the legal curriculum be summarily dispensed with; we do venture to suggest that, if we are to be relegated to three years in academia before being privileged to put "Esq." in back of our names, much of that time could be spent in ways more relevant to our future as practicing attorneys than it is at present. We suggest that there are at least three senses in which the present curriculum, both in content and in approach, is materially lacking in relevance to that future:

1. Being a practicing attorney involves the exercise of two general sets of skills, of which the current legal curriculum develops only one. That one is the analytical skill, i.e., knowing how to read a case and determine what it stands for, how to construe and apply a statute. In practice, this skill is mostly called upon in arguing motions, writing briefs, and to an extent in giving legal advice. The other skill might be called the communicative and tactical skill, i.e., that talent called upon in drafting papers, interviewing clients, dealing with opposing counsel, clerks of court, cops, judges, juries, and administrative agencies. In many if not most situations, how he exercises this latter skill has much more to do with whether an attorney is a competent one than does the extent of his analytical acuteness.

A particularly painful lack in this respect is the curriculum's ingrained tendency to ignore the fact of the attorney-client relationship. At no time is the student helped to learn, for example, how to spot and cope with the case of a client presenting an ostensibly legal problem while actually seeking guidance about some underlying personal difficulty, how to tell when a client is lying or putting forth psychotic fantasies, how to cope with a client who tries to shift the decision-making responsibility to the attorney, how to handle a case that could be settled but that, if litigated, might turn out to be a significant test case. If left to chance, the resolution of such problems by the individual attorney will be a lengthy hit-or-miss proposition, or indeed may never take place by virtue of the attorney's having suppressed his awareness of the problem--either alternative being to the client's detriment.

2. The content of the curriculum for the most part (with the notable exception of the criminal law area) reflects the

assumption that being an attorney involves representing such types as businesses, taxpayers, personal-injury tort claimants, and little old ladies planning their estates. It offers little relevant instruction to those who plan to represent such types as tenants, welfare recipients, alleged juvenile delinquents or neglecting parents, draft-eligible young men, militant blacks, and civil disobedients.

3. The content of the curriculum virtually ignores the fact that attorneys in a number of capacities frequently find themselves concerned with broad issues of social and legislative policy. Such attention as is given to policy questions is typically incidental, fleeting, and superficial. The typical pedagogical technique reinforces this lack by taking an internal rather than an external view of the legal system, thus making it increasingly difficult for the student and the product of the law school to appreciate the effect the legal system has on the society in which and on which it operates.

Our suggestions for remedying these irrelevancies deal both with content and with approach and involve both making changes in current curricular offerings and adding new ones. We offer them not as inflexible demands militantly presented, but as an expression of student sentiment that hopefully will inspire a constructive dialogue and initiate a movement in the direction of meaningful change. In particular we recognize the impossibility of immediately adding to the curriculum all of our suggested offerings; we hope, however, that the suggestions at a minimum will serve as an indication of student interest that can guide the law school administration in the selection of faculty in the future.

II. Suggestions Not Involving Additions to the Curriculum

A. Those requiring official action or inter-faculty cooperation for their implementation.

1. An alternative section (or two) of Property should be offered for those students interested in urban practice; the course would include such matters as tenants' rights under various state statutes and how the common law can be developed to protect tenants' rights; tenants' unions and rent strikes; public housing and tenants' rights in that context; zoning and urban renewal. Materials could include Project on Social Welfare Law, HOUSING FOR THE POOR: RIGHTS AND REMEDIES (N.Y.U. School of Law 1967).

2. Evidence should be offered in the second year. Any student who does legal work during the summer is severely handicapped by not having taken the course.

3. Trusts and Estates I should be dropped as a requirement in acknowledgement of the fact that poverty lawyers and government lawyers can afford to do without it.

4. Special courses should be offered in two areas for the benefit of those who do not intend to specialize in the area but who feel a need to acquire some general background--namely, a three-hour course covering the highlights of Business Associations and Corporations and a two-hour course in Taxation.

5. In multi-section courses the teacher of one section could occasionally switch with the teacher of another. The disadvantage of having one professor throughout a course is comparable to the disadvantage of owning a record of a Beethoven symphony conducted by Toscanini without also owning a record of the same symphony conducted by Furtwangler: Just as Toscanini's version of the Ninth is a different piece of music from Furtwangler's, so the law of torts as it emerges from one professor's perspective may be a different sort of law from that that would be brought forth by another. In both cases exposure to only one version of the underlying creation may result in the delusion that only one version exists.

6. Some mechanism should be established for providing on relatively short notice an outlet for student interest in a particular subject matter. There are at least two possible approaches: One involves a group of students and a professor who is willing and interested but not necessarily knowledgeable in the field working cooperatively to develop a course or seminar for credit. Another approach would be patterned on Dartmouth's Experimental College and on the so-called free universities, in which student groups led by a student with some degree of expertise meet informally outside the course-for-credit structure. Under either approach the primary necessity is to provide a means of communication through which interest can be canvassed; in view of the relatively unorganized nature of the student body, that communication would probably be most efficient if the means of communication were provided by the faculty or administration. Such ad hoc seminars can have the long-range value of indicating what subject areas could fruitfully be added to the permanent curriculum.

7. We suggest that the faculty establish some mechanism of inter-faculty communication whereby those who have successfully employed some new teaching technique can share their experience with others and whereby problems in teaching can be generally discussed. In this connection we suggest that all faculty members read, ponder, and discuss Watson, The Quest for Professional Competence: Psychological Aspects of Legal Education, 37 U. CIN. L. REV. 91 (Winter 1968).

8. We suggest discussion and experimentation aimed at establishing an ongoing mechanism for informal student-faculty contacts. While the faculty is commendably receptive to students who take the initiative to seek their professors out, this receptivity is not particularly helpful to the student who regards his professors as the embodiment of intimidation. Efforts in this area should be particularly aimed at freshmen, who are both most likely to fall prey to feeling intimidated and most in need of the therapeutic benefits that informal communication could provide.

B. Those that can be implemented by individual professors

1. Many courses, particularly after the first year, would benefit by the infusion of ideas coming from a practitioner specializing in the relevant field. Fruitful use of a practitioner as an adjunct to the professor requires enough coordination between the two to assure that the practitioner's remarks will be relevant to the course and that they won't repeat what has already been provided by the professor and the casebook. Hopefully the practitioner will be one who is candid enough to discuss his problems and failures as well as his shining successes. The

more informal the atmosphere and the more students are allowed to guide the presentation via questioning, the more fruitful such sessions will be. (Some professors--e.g., Prof. White in Creditors' Rights and Prof. St. Antoine in Labor Law--have already used this technique in some form.) A related technique--aimed at focusing on the policy aspects rather than the practical aspects of the law--involves a discussion or informal debate between the practitioner and the professor. (This technique could also be employed with two professors.)

2. Drafting exercises could be incorporated into many courses. Students in Civil Procedure, for example, could be assigned to draft pleadings or interrogatories; students in Contracts could be assigned to draw up a contract. Or the converse technique could be employed, in which the document is passed out to the class, the exercise being to find and correct imperfections. (Prof. St. Antoine has used the latter technique in his Contracts course.)

3. The problem-solving technique used in teaching Taxation could be successfully applied to a number of courses, particularly after the first year, when the student presumably has learned how to recite a case and quite possibly has become bored at the prospect. Aside from having the advantage of forcing the student to move from mastery of a group of cases to its application, the technique frequently has the further advantage of bringing a hypothetical client into the pictute, at which point it may be appropriate to discuss the tactical and professional considerations that the curriculum usually ignores.

4. Another technique for presenting the law as something less rarified than an appellate opinion involves the professor choosing a significant case for which the class reads not only the (unedited) appellate opinion but also the appellate briefs and/or the record and/or the opinion below. (This technique is employed in Donnelly, Goldstein, and Schwartz, CRIMINAL LAW (Free Press 1960), which prints the briefs, Court of Appeals opinion, and record on remand in the Durham case.)

5. In the teaching of Constitutional Law, we recommend that the casebook be supplemented with historical materials concerning the Supreme Court and the issues that have preoccupied it during different historical periods. (Prof. Israel has made use of this technique.)

6. A lot of anxiety is needlessly created among freshmen, particularly in their first semester, from the lack of any indication until the end of the semester as to whether or not they're coping more or less successfully with the curriculum. The obvious solution is some sort of interim testing device, either in the form of a midterm or of several short exams scattered through the semester. (This is being done currently by Profs. Harris and Schwartz and possibly others.) Interim testing can serve the further function of identifying those students who appear to be failing to cope and who could benefit from some form of special attention.

III. Suggested Additions to the Curriculum

1. Legal Aid. A combination of practice at the Legal Aid Clinic and related academic work, all under faculty supervision

and for credit; the faculty supervisor, possibly to be financed by a grant from the National Legal Aid and Defender Association, to be a graduate of the Reginald Heber Smith program or someone with similar qualifications.

2. The Attorney-Client Relationship. To be taught jointly by Dr. Watson and a professor with extensive experience in practice (possibly Prof. Sobol). Materials could include H. Freeman, LEGAL INTERVIEWING AND COUNSELING (West 1964) and M. S. Heller, E. Polen, and S. Polsky, AN INTRODUCTION TO LEGAL INTERVIEWING (National Legal Aid and Defender Association 1960). Would fulfill the group requirement.

3. The Sociology of Law. To be taught by a sociologist. Would cover: (a) the legal system as a social institution--to what extent and in what ways the law and the courts affect human behavior; (b) lawyers as a social group. Materials for the latter topic could include J. Carlin, LAWYERS ON THEIR OWN (Rutgers Univ. 1962); J. J. Cavanaugh, THE LAWYER IN SOCIETY (Phil. Lib. 1963); T. Parsons, A SOCIOLOGIST VIEWS THE LEGAL PROFESSION (U. of Chi. L. S. Conf. Ser. No. 11, Dec. 1952); B. C. Soni, Sociological Analysis of Legal Profession, 1 J. SOC. SCI. 63 (1958); Chapters I and II of V. Countryman, THE LAWYER IN MODERN SOCIETY (National Council on Legal Clinics, 1962). Would fulfill the group requirement.

4. The Right of Privacy. A seminar. The starting point would be John Stewart Mill's On Liberty, and its premise

> That the only purpose for which power can be rightfully exercised over any member of a civilized community, against his will, is to prevent harm to others. His own good, either physical or moral, is not a sufficient warrant.

A study of the relation of this idea to laws regulation, e.g., sex (why did the Griswold Court go out of its way to limit its holding to married couples?), drugs, gambling, divorce, abortion, civil commitment of the mentally ill (T. Szasz, LAW, LIBERTY, AND PSYCHIATRY), motorcycle helmets (Am. Motorcycle Assn. v. Davids), loitering (Fenster v. Leary). Would fulfill the group requirement.

5. Tax Policy. A seminar. What groups and what types of behavior do the tax laws (federal, state, and municipal) favor? How much effect do they have? To what extent should tax laws be structured to further public policy? In what direction should they push? Materials could include R. Slitor, THE FEDERAL INCOME TAX IN RELATION TO HOUSING (prepared for the National Commission on Urban Problems; see N. Y. Times, Sept. 24, 1968, p. 38, col. 1); Chapter 7 of Bazelon, THE PAPER ECONOMY (Vintage 1963). Would fulfill the group requirement.

6. Welfare Law. The public-assistance provisions of the Social Security Act; state laws and regulations; Smith v. King; procedural rights (Kelly v. Wyman); conceptual questions--is welfare a right?; welfare organizations; the Cloward strategy; the future of welfare (the guaranteed annual income v. the negative income tax v. family allowances). (Prof. Harris has expressed interest in teaching such a course.)

7. Juvenile Law. Kent, Gault, and progeny; the treatment of juvenile offenders; the substance of juvenile delinquency statutes--at what point should the state intervene?, what does

Gault imply as to the applicability of vagueness doctrine?; ditto for neglect statutes. Materials could include The President's Commission on Law Enforcement and the Administration of Justice, TASK FORCE REPORT: JUVENILE DELINQUENCY AND YOUTH CRIME; B. J. George, Jr., GAULT AND THE JUVENILE COURT REVOLUTION (I.C.L.E. 1968).

8. Civil Disorders. A seminar, preferably taught by a sociologist. Types of crimes committed; by whom; the attitude toward law they imply; operation of law enforcement agencies, the bar, and the courts in times of civil disorder; emergency measures such as curfews--civil liberties problems. Materials could include the McCone Report, the Kerner Report, articles such as Dynes and Quarantelli, Looting in American Cities: A New Explanation, 5 TRANS-ACTION 9 (May 1968).

9. The Afro-American and the Law. A seminar. Dred Scott; the 14th amendment and the Court's reaction to it (see Kinoy, The Constitutional Right of Negro Freedom, 21 RUTGERS L. REV. 387 (1967)); from Plessy to Brown; the sit-in cases (see Greenberg, The Supreme Court, Civil Rights, and Civil Dissonance, 77 YALE L. J. 1950 (1968)); Brown v. Louisiana and Adderly v. Florida; Hobson v. Hansen and de facto segregation; from integration to community control; the future.

10. Constitutional Litigation. A seminar. Two possible approaches: from the point of view of the advocate (statutes and court rules, methods of briefing and argument), or from the point of view of the political scientist or sociologist (why cases get taken to the Supreme Court; what groups are active in constitutional litigation, what interests they represent; what effects on society constitutional decisions have).

11. Selective Service Law. The Selective Service Act and regulations; legal challenges past and pending--what legal and constitutional questions are raised?; policy considerations. If not considered sufficient for a course, could be combined with a consideration of military law, substantive and procedural.

12. Political Trials. A seminar. Criminal prosecutions as an instrument of governmental policy; the interrelation of politics, law, and public opinion; a study of opinions, briefs, records, contemporary journalistic accounts, and historical accounts. (Prof. Sax has expressed interest in teaching such a seminar.)

13. Narcotics. A seminar. The laws, state and federal; their effect on behavior; the junkie and the pothead--personality types; the British system; civil commitment of addicts (Robinson v. California and the New York legislation).

14. The Law of Politics. Laws regulating elections and the selection of candidates and how they affect the political process; regulation of political contributions and conflicts of interest; equal-time regulations; the primary cases; the reapportionment cases; Williams v. Rhodes (the George Wallace case).

15. Insanity. The law of insanity as an example of the law attempting to cope with a social scientific concept; emphasis on Durham and its progeny, judicial and legislative.

16. Organized Crime. A historical survey of governmental efforts to control it; how the specter of organized crime figures in debates on such issues as electronic eavesdropping and criminal discovery.

17. Immigration, Naturalization, and Deportation. Substance, procedural rights, constitutional questions, policy questions,

18. Criminology. The purposes of the criminal law; the effectiveness of the various forms of penal sanctions.

19. Economic Analysis for Law Students. The interaction of economics and law; how the law serves to protect those in positions of economic power. Would fulfill the group requirement.

20. Jurisprudence. A survey of the problems and perspectives of legal philosophy. Would fulfill the group requirement.

21. Tutorial Studies. For third year students, two or three hours' credit per term for both terms. Production of a thesis of substantial length aimed at making an original contribution to legal knowledge in a social context; the result either of research and thought or of field investigation. Under the supervision of a faculty tutor. The thesis to be defended before a three-man faculty panel. Would fulfill the group requirement. (Some mechanism should be introduced for giving credit to the faculty for such supervision; e.g., the supervision of ten students to be equivalent to teaching a seminar.)